

Susan Culling ID 10733 per Royal Admiral 1842

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Treasury

24 December 1841

Sir,

In obedience to the directions from secretary Sir James Graham signified by your letter of the 11th inst. Transmitting a Statement of Counsel respecting CHARLES CULLING herewith returned, I have submitted a case to the Attorney from Solicitor General as to the legality of his conviction which I have now the honour to enclose with their opinion thereon.

I am Sir

Your most obedient servant

Charles [Bourehies]

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Report of Law Officers on the case of CHARLES CULLING.

The Attorney and Solicitor General are of the opinion that the conviction was not legal.

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The Vicarage

Wisbech

7<sup>th</sup> December 1841

The Revd. [Fardell] has the honour to [...] and to Sir James Graham. A statement of an objection taken by the Council who defended CHARLES CULLING, who was convicted at the

late Isle of Ely Quarter Sessions of receiving goods knowing them to have been stolen, and who was sentenced by the Court to transportation for fourteen years, to commence at the termination of imprisonment for three calendar months upon a previous conviction for larceny.

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The Queen on the Prosecution of CHARLES [MUSTON] PLACE

Versus

SUSAN CULLING AND CHARLES CULLING.

At the last Michelmas Sessions for the |Isle of Ely holden at Ely on the 20th day of October 1841 before the Revd. H [RANDELL] Chairman and a Bench of Magistrates the female prisoner SUSAN CULLING was indicted for stealing a black satin shawl the property of the Prosecutor CHARLES MARTON PLACE and the male prisoner CHARLES CULLING was indicted in the same indictment for receiving the same knowing it to have been stolen, the prisoner SUSAN CULLING pleaded GUILTY and in the part of the Prosecutor the only evidence produced at the trial to prove the guilt of the principle felon([al....] her plea ) was the fact that the female prisoner purchased articles of very small value at the Prosecutors shop in Wisbech in April 1841 somewhere about the time that the black satin shawl was missed. The indictment with the plea of GUILTY by SUSAN CULLING was at the request of the Counsel for the Prosecution read by the Clerk of the Peace. It was objected to on the part of the prisoner that it did not sufficiently appear whether the entry of the plea of GUILTY was made in the usual and proper form. The Clerk of the Peace was then sworn, he was asked what his [position] was with respect to the time

At which he wrote on an indictment after a prisoners name who pleaded guilty the words "pleaded guilty" his answer was that he usually wrote them immediately after the Plea taken but sometimes not until the trial was over but that in that particular case he had affixed the words "immediately" after the plea taken. On the part of the prisoner the above evidence as to the practice of the Clerk of the Peace was objected to and it was also contended that as the confession of a principle is not evidence against an accepting to prove the guilt of the principle which must be proved [al.....] , so the conviction of the principle and a plea of guilty on the same indictment will not be evidence against the [accepany] to prove the principle guilty (... Turner Mrs C.C.347). The Court entertained doubts on the point but directed the trial to proceed on the understanding that if the prisoner were found guilty he should have the benefit of the point of law if in his favour. The prisoner the whole evidence being left to the Jury was found GUILTY and sentenced to 14 years transportation to take effect after the determination of 3 months imprisonment to which he was subject to for a previous offence.

It was afterwards arranged between the Counsel for the Prosecutor and the Counsel for the Prisoner with the concurrision of the Court that the case should be submitted to the Secretary of State for the Home Department.

(signed)

George Prymore (Counsel of the Prosecution)

P Huddleston (Counsel for the Prisoner)

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Vicarage

Wisbech

23<sup>rd</sup> October 1841

Sir

I have the honour to inform you as the Chairman of the Quarter sessions for the Isle of Ely, which was holden at Ely on Wednesday the 20<sup>th</sup>, Thursday the 21<sup>st</sup>, Friday the 22<sup>nd</sup> of the present month, SUSAN CULLING aged 13 pleaded GUILTY to four indictments charging her with having stolen sundry articles of wearing apparel. The sentence of the Court was, that for the first offence she be imprisoned in the House of Correction at Ely for one week, that for the second offence she be further imprisoned in the House of Correction at Ely for one week, and that for the third offence she be further imprisoned in the House of Correction for one week, and that for the fourth offence she be transported for the term of seven years and that the only object the Court had in view in [.....] the sentence of transportation upon her was, that I should respectfully signify to Her Majesty's Secretary of State, the hope that the said SUSAN CULLING may be placed within the Penitentiary at Millbank, or in such other place of confinement as Her Majesty's Secretary of State may approve of, where she may be morally and [.....] instructed.

The like sentence of transportation for seven years was also [.....] upon her brother PHILIP CULLING aged 16 (who pleaded GUILTY to the charge of larceny) in the hope that he also may be removed either to the Penitentiary at Millbank, or to Parkhurst Prison in the Isle of Wight.

Against their father CHARLES CULLING there was six indictments – one for larceny upon which he was convicted and sentenced to three calendar months imprisonment in the House of Correction at Ely, and five other charging him with feloniously receiving the property which his two children the aforesaid SUSAN CULLING and PHILIP CULLING had pleaded GUILTY for having stolen. Upon one of the charges he was acquitted and upon the other he was found GUILTY, but upon the other charges he was not tried. The sentence of the Court upon him was, that he be transported for the term of 14 years- such sentence to commence at the termination of his imprisonment for the calendar months. Had the prisoner been acquitted, it was the intention of the Solicitors for the Prosecution to have proceeded with other charges against him, he and his family having for a number of years carried on a system of depredation and plunder almost without parallel in the annals of crime.

I have the honour to be, Sir

Your most obedient humble servant

Henry Fardell

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PHILLIP CULLING – aged 16

SUSAN CULLING – aged 13

Ely Quarter Session

October 1841

Larceny

7 Years transportation ( Susan Culling 3 weeks previous imprisonment)

Gaol report – Character – Bad

The Chairman of the Quarter Sessions recommends the Penitentiary or Parkhurst Prison there is no room in Ely

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SUSAN CULLING

1841

PLACE – ELY

SENTENCE – 7 YEARS TRANSPORTATION

SERIES - HO 18

SOURCE – HOME OFFICE CRIMINAL PETITIONS SERIES II

PIECE NUMBER – 64

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